

1 BILL NO. G-88-09-03 (AS AMENDED)

2 GENERAL ORDINANCE NO. G-01-90

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating dedicated right-of-way thereof.

6 WHEREAS, a petition to vacate dedicated right-of-way
7 within the City of Fort Wayne (as more specifically
8 described below) was duly filed with the City Planning
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in I.C. 36-7-
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate
22 dedicated right-of-way within the City of Fort Wayne, more
23 specifically described as follows, to-wit:

24 That portion of Pennsylvania Street extending west
25 of the previously vacated Pennsylvania Avenue,
included in General Ordinance G-03-80 and G-11-80,
being:

26 Part of the Northwest Quarter of Section 8, Township 30
27 North, Range 13 East, Allen County, Indiana, in
28 particular described as follows, to-wit: Commencing on
29 the North line of the right-of-way of the Wabash
30 Railroad at a point situated 497.5 feet East of the
31 West line of said Quarter Section; thence North and
32 parallel to said Quarter Section line to the South
property line of the Pennsylvania right of way, being
the true point of beginning; thence east to the end of
the existing right-of-way thence North on a line
parallel to the West line of the Northwest Quarter of
Section 8, Township 30 North, Range 13 East of Adams
Township a distance of 50' to a point on the North
right-of-way line on Pennsylvania Street, thence West

right-of-way line on Pennsylvania Street, thence West to a point 497.5 feet East of the West line of said Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1988,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

#368
1 BILL NO. G-88-09-03

2 GENERAL ORDINANCE NO. G-_____

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4 Plan of the City Comprehensive ("Master")
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the true point of beginning; thence east to the end of
the existing right-of-way thence North on a line
parallel to the West line of the Northwest Quarter of
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Township a distance of 50' to a point on the North
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#368

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Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Charles S. Reed
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1988,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 2811

FT. WAYNE, IND., 8/23 1988

RECEIVED FROM Snow & Snow, Inc. \$ 100.00

THE SUM OF One Hundred & 00/100 DOLLARS

ON ACCOUNT OF Kennedy Street

Private Street Portion

L. G. G. G.

AUTHORIZED SIGNATURE

PETITION TO VACATE STREET

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public portion of street, within the City of Fort Wayne, Indiana, hereby described on the attached Exhibit "A" (the subject real estate):

In support thereof, your petitioner would represent as follows:

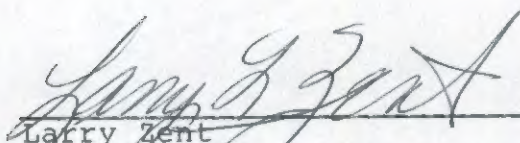
1. That it is the only owner of the real estate bordering both sides of the street.
2. That the portion of Pennsylvania Street that is proposed to be vacated is not necessary as ingress or egress to other properties lying east of the subject real estate.
3. That said street is unopened and unimproved.
4. That no other person, firm or corporation is interested in or adversely affected by the requested vacation.
5. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof to grant this Petition to Vacate.

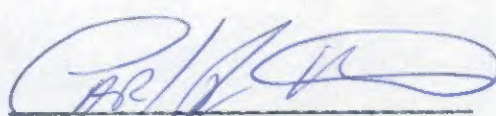
Your petitioner files this Petition pursuant to the authority granted in I.C. 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above-described street be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 23 DAY OF August, 1988.

FORT WAYNE VEHICLE AUCTION INC.


Larry Zent
Adjacent Property Owner-Lot 63

By: 
Carl J. Miskotten

Michael E. Adams

Michael E. Adams
Adjacent Property Owner-Lot 63

FORT WAYNE VEHICLE AUCTION, INC.

By:

Carl J. Miskotten

Carl J. Miskotten
Adjacent Property Owner-Lot 14

FORT WAYNE VEHICLE AUCTION, INC.

By:

Carl J. Miskotten

Carl J. Miskotten
Adjacent Property Owner-Lot 56

FORT WAYNE VEHICLE AUCTION, INC.

By:

Carl J. Miskotten

Carl J. Miskotten
Adjacent Property Owner-Lot 74

FORT WAYNE VEHICLE AUCTION, INC.

By:

Carl J. Miskotten

Carl J. Miskotten
Adjacent Property Owner-Lot 61
and Lot 78 in Harvester View
Addition

3600 W. Washington Blvd.
Fort Wayne, IN 46803
Petitioner's Address

Paul O. Sauerteig

Paul O. Sauerteig, Agent
1310 Anthony Wayne Building
Fort Wayne, IN 46802
Telephone: (219) 423-2353

That portion of Pennsylvania Street extending west of the previously vacated Pennsylvania Avenue, included in General Ordinance G-03-80 and G-11-80, being:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit: Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 497.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line 471.8 feet, being the true point of beginning: thence east to the end of the existing right-of-way thence North on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township a distance of 50' to a point on the North right-of-way line on Pennsylvania Street, thence West to a point 497.5 feet East of the West line of said Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

Exhibit A

RESOLUTION 78-169-4

WHEREAS, FORT WAYNE VEHICLE AUCTION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

That portion of Pennsylvania Street extending west of the previously vacated Pennsylvania Avenue, included in General Ordinance G-03-80 and G-11-80, being:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit: Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 497.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line to the South property line of the Pennsylvania right of way, being the true point of beginning; thence east to the end of the existing right-of-way thence North on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township a distance of 50' to a point on the North right-of-way line on Pennsylvania Street, thence West to a point 497.5 feet East of the West line of said Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right of way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

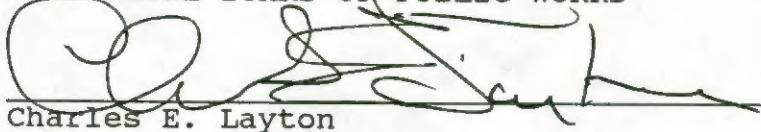
COUNTY OF ALLEN)

I, Charles E. Linton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

January 31, 1990 and as same appears of record in the official records of the Board of Public Works.

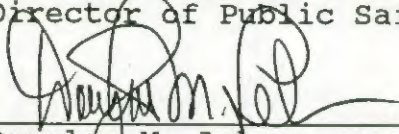
DATED THIS 31st DAY OF January 1990

FORT WAYNE BOARD OF PUBLIC WORKS



Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety



Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, FORT WAYNE VEHICLE AUCTION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way in Fort Wayne, Allen County, to-wit:

That portion of Pennsylvania Street extending west of the previously vacated Pennsylvania Avenue, included in General Ordinance G-03-80 and G-11-80, being:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit: Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 497.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line to the South property line of the Pennsylvania right of way, being the true point of beginning; thence east to the end of the existing right-of-way thence North on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township a distance of 50' to a point on the North right-of-way line on Pennsylvania Street, thence West to a point 497.5 feet East of the West line of said Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on September 19, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right of way.

WHEREAS, said vacation of dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right of way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right of way in Allen County, Indiana.

COUNTY OF ALLEN) SS:

DATED THIS²⁷ DAY OF September 1988

Robert Hutner
Secretary

NATKA USE THIS LEGAL FOR THE AD.

That portion of Pennsylvania Street extending west of the previously vacated Pennsylvania Avenue, included in General Ordinance G-03-80 and G-11-80, being:

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NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-88-09-03) (AS AMENDED)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, February 27, 1990, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Pennsylvania Avenue just east of Kitch Street -- to connect two adjacent parcels that belong to petitioner as a matter of convenience.

That portion of Pennsylvania Street extending west of the previously vacated Pennsylvania Avenue, included in General Ordinance G-03-80 and G-11-80, being:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit: Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 497.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line to the South property line of the Pennsylvania right of way, being the true point of beginning; thence east to the end of the existing right-of-way thence North on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township a distance of 50' to a point on the North right-of-way line on Pennsylvania Street, thence West to a point 497.5 feet East of the West line of said Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council



Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 13, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of
February 16, 1990, in both the News Sentinel and Journal
Gazette.

RE: Legal for Common Council
of Fort Wayne, IN

Bill No. G-88-09-03 (as amended)
Street Vacation

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 13, 1990

Paul Sauertieg
1310 Anthony Wayne Bank Building
Fort Wayne, IN 46802

Dear Mr. Sauertieg:

NOTICE OF PUBLIC HEARING ON BILL NO. G-88-09-03
(AS AMENDED)

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, February 27, 1990, at 7:00 PM. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following

Portion of Pennsylvania Avenue just east
of Kitch Street - To connect two adjacent
parcels that belong to petitioner as a matter
of convenience.

All interested persons are invited to appear and be heard.
Any written material may be submitted to the Common Council
prior to the hearing.

Sincerely yours,

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

To:

The News-Sentinel

Dr.

(Governmental Unit)

Allen

County, Indiana

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

35

Tail -- number of lines

4

Total number of lines in notice

42

COMPUTATION OF CHARGES

42 lines, 1 columns wide equals 42 equivalent lines
at .33 cents per line

\$ 13.86

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 14.86

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: February 16, 1990

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time (s), the dates of publication being as follows:

2/16/90

Subscribed and sworn to before me this 16th day of february, 1990

Shelley R. Larue
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN Dr.

Allen County, Indiana

PUBLISHER'S CLAIM

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(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 14.86

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: February 16, 19 90Title: Nicole Allred Clerk

PUBLISHER'S AFFIDAVIT

NOTICE OF PUBLIC HEARING
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All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:2/16/90Subscribed and sworn to before me this 16th day of February, 19 90.Shelley R. Larue
Notary Public Whitley County, INMy commission expires: March 3, 1990 SHELLEY R. LARUE

AGENT:

Paul Sauertieg
1310 Anthony Wayne Bank Building 02

423-2353

Listed on 1988 Disk as: ORDAMD.368

ORIGINAL

ORIGINAL

DIGEST SHEET

368
TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Portion of Pennsylvania Avenue just east of Kitch Street.

9-88-09-03

EFFECT OF PASSAGE Property is presently dedicated right of way. Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right of way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

G-88-09-03

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

DETAILS

<p>Specific Location and/or Address</p> <p>Portion of Pennsylvania Avenue just east of Kitch Street.</p>
<p>Reason for Project</p> <p>To connect two adjacent parcels that belong to petitioner as a matter of convenience.</p>
<p>Discussion (Including relationship to other Council actions)</p> <p>19 September 1988 - Public Hearing</p> <p>(See Attached Minutes of Meeting)</p> <p>26 September 1988 - Business Meeting</p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, subject to the petitioner satisfying the following conditions:</p> <ol style="list-style-type: none"> 1) provide utility easements as needed; 2) permanently close the right of way; 3) provide a 15 ft. landscape buffer area against the residnetial properties to the west. <p>Of the eight (8) members present six (6) voted in favor of the motion, one (1) voted against the motion and one (1) did not vote. Motion carried.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Fort Wayne Vehicle Auction City Department Other
Opponents	Groups or Individuals Archie & Betty Lunsey Basis of Opposition petitioner is not a good neighbor to residents, they are opposed to petitioner owning more land in area
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

NOTE: This ordinance has been held until all conditions were satisfied.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 23 August 1988

Projected Completion or Occupancy

Date

Fact Sheet Prepared by
Patricia Biancaniello

Date 27 September 1988

Reviewed by
Kenny Maglio

Date 2-6-90

Reference or Case Number

- a. Bill No. G-88-09-03 - Vacation Petition #368
Portion of Pennsylvania Avenue just east of Kitch
Street.

Paul Sauertieg, attorney for the petitioners Fort Wayne Vehicle Auction Inc., appeared before the Commission. Mr. Sauertieg stated that the purpose of their petition is to connect two adjacent parcels that belong to the petitioner. He stated that this is being done as a matter of convenience.

Archie Lunsey, 1548 Kitch Street, appeared in opposition to the proposed vacation. Mr. Lunsey stated that Fort Wayne Vehicle Auction purchased some houses on Kitch Street and rented them. He stated that they did not keep them up and eventually tore the houses down. He stated that Fort Wayne Vehicle Auction has not been a good neighbor and stated he felt they have been intimidating the residents with their actions. He stated that they do not want to see this company own anymore land in their neighborhood. He stated they are trying to hold on to their properties for residential use and maintain the integrity of their area.

John Shoaff pointed out that the requested vacation is well into the M-3 zoning and is surrounded by the petitioners property. He questioned if Mr. Lunsey saw anyway in which vacating the street would be harmful to the neighborhood.

Mr. Lunsey stated that he did. He stated that they want to use Kitch Street as a route to bring in their heavy duty trucks.

Mr. Shoaff stated he wasn't sure that in vacating the street that would be made easier for them.

Betty Lunsey, 1548 Kitch Street, reiterated her husbands complaints and added that she was concerned for the children in the area because of the truck traffic generated by Fort Wayne Vehicle Auction.

In rebuttal, Mr. Sauertieg stated that when his client purchased this business they decided that they did not want to be in the landlord-tenant business. He stated that is why the houses were demolished. He stated the problems the people spoke of were with the old owner and there should be no problems with the current owner. He stated that they are trying to become a good neighbor. He stated that the present cyclone fencing around the property will be opaqued and that they have started to turn Lot 60 on Kitch Street into a basketball court. He stated that he was not aware that this would be a neighborhood issue, but felt that the comments did not really affect the requested vacation.

Steve Smith questioned if the employees or clients of the company used Kitch Street as access to the property.

Mr. Sauertieg stated that there is no access. He stated it is an

open street presently but they do not use it for that purpose. He stated the customers come in off of Washington Blvd., and there are two separate entrances for them.

Steve Smith asked if they would be barricading the west end of the vacation.

Mr. Sauertieg stated he thought that was there intention.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

BILL NO. G-88-09-03 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) _____ amending the
Thoroughfare Plan of the City Comprehensive ("Master") Plan
by vacating dedicated right-of-way thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet G. Bradbury
D. Schmidt

Clitus R. Edmonds

Samuel Talarico

DATED: 2-27-90

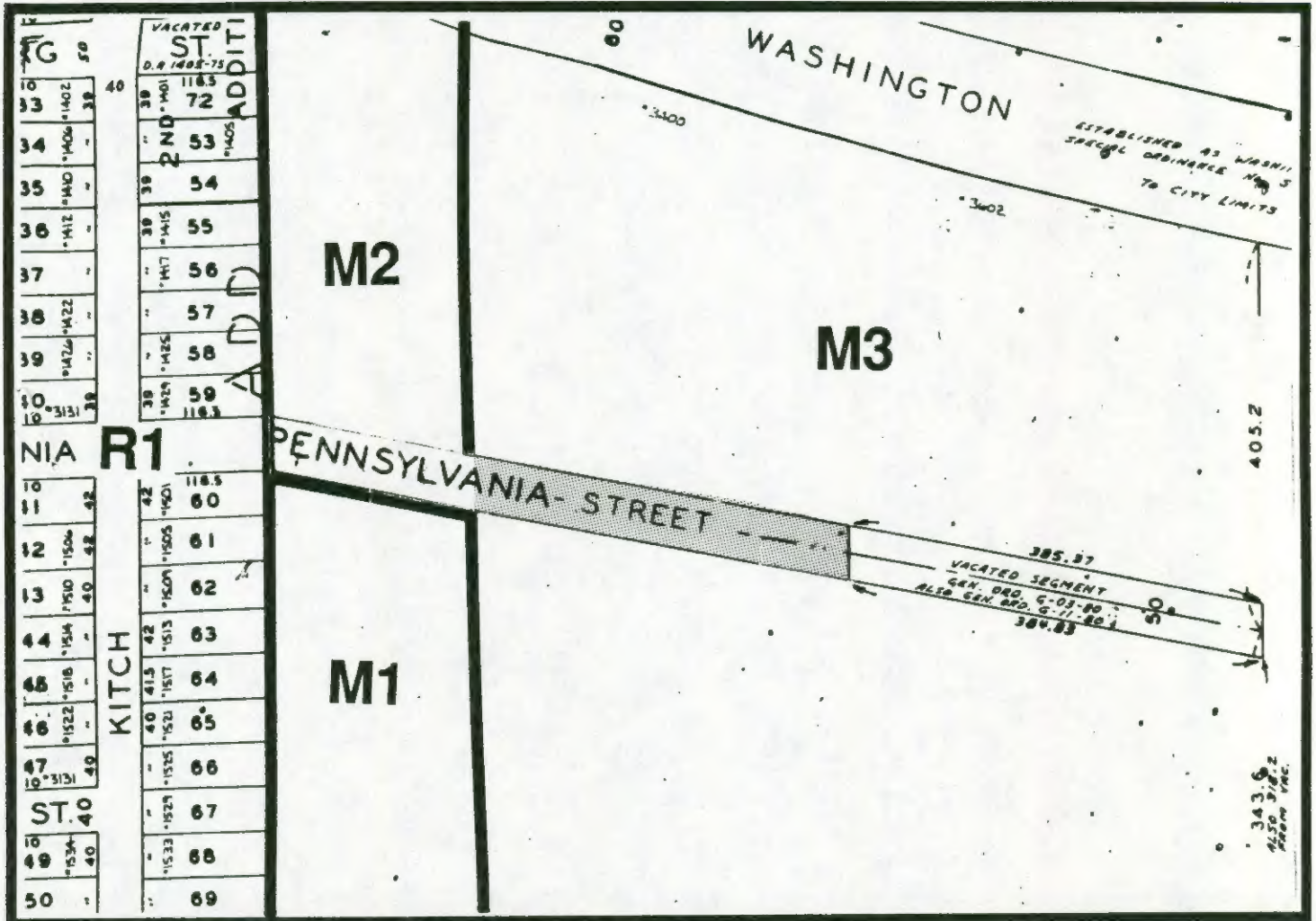
Sandra E. Kennedy
City Clerk

VACATION PETITION #368

A PETITION TO VACATE THE DESCRIBED PUBLIC STREET.

MAP NO. R-2

COUNCILMANIC DISTRICT NO. 1



ZONING :

R1 RESIDENTIAL DISTRICT

B3B GENERAL BUSINESS 'B'

M1 LIGHT INDUSTRY

M3 HEAVY INDUSTRY

LAND USE:

☐ SINGLE FAMILY

☐ COMMERCIAL

SCALE: 1"=250'

DATE: 8-27-88



Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 9-13-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Edwards, and duly adopted, placed on its passage. ~~PASSED~~ ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	_____	<u>1</u>
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EDMONDS</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	<u>✓</u>
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>LONG</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SPER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 201-90 on the 27th day of February, 1990,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of February, 1990, at the hour of 10:30 o'clock 7 M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3rd day of March, 1990, at the hour of 2:00 o'clock 8 M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR